

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/721,743 Confirmation No. 3948
Applicants : Mark Cooke et al.
Filing Date : November 26, 2003
T.C./Art Uni : To Be Assigned
Examiner : To Be Assigned
For : CONFIGURABLE PRICING OPTIMIZATION SYSTEM

Attorney Docket No. : 82001-0397
Customer Number : 24633

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 20313-1450

PETITION UNDER 37 C.F.R. §1.47(a)

Dear Sir:

Applicants hereby petition under 37 C.F.R. §1.47(a) to file the present application without the signatures of three of the eight inventors on a Declaration. Submitted herewith is a Declaration identifying the present application by title, application number, and filing date. The Declaration is signed by five of the inventors (Henry F. Schwarz, Philip David R. Apps, Ravishankar V. Nandiwada, Brian L. Monteiro, and Mark Cooke) and has blank signature blocks for the remaining three non-signing inventors (Dean Boyd, Thomas E. Guardino, and Prashandt N. Balepur). In accordance with MPEP §409.03(a)(A), this Declaration may be treated as having been signed by all the available inventors on behalf of the nonsigning inventors.

Further attached herewith is a Declaration in Support of the Petition under 37 C.F.R. §1.47(a) [hereafter the "Declaration"] describing the diligent efforts made to contact the non-signing inventors, Messrs. Boyd, Guardino, and Balepur, who either refuse to sign the Declaration or cannot be located. As further described in the Declaration, Messrs. Boyd, Guardino, and Balepur are current or formal employees of the assignee of the present application during the time of invention and are under a legal obligation to sign an Oath or Declaration.

Application No. 10/721,743

Petition Under 37. C.F.R. §1.47(a)

In reply to Notice of Missing Parts mailed February 26, 2004

The last known correspondence address for Mr. Boyd is:

36245 Wagner Lane

Cottage Grove, Oregon 97424.

The last known correspondence address for Mr. Guardino is:

1033 Forrester Way

Eugene, Oregon 97401

The current correspondence address for Mr. Balepur is:

1606 Paloa Ranch Circle

San Jose, California 95133

Also submitted herewith is a check for the Petition fee of \$130 as specified in 37 CFR §1.17(h). Please charge any deficiencies and credit any overpayment to the Deposit Account No. 50-1359 of the undersigned.

Respectfully submitted,



Celine Jimenez Crowson
Registration No. 40,357

Dated: September 27, 2004

By:

David D. Nelson
Registration No. 47,818

Hogan & Hartson, L.L.P.
555 Thirteenth St., N.W.
Washington, DC 20004
Telephone: 202-637-5703
Facsimile: 202-637-5910
Customer No. 24633

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application No. : 10/721,743 Confirmation No. 3948
Applicants : Mark Cooke et al.
Filing Date : November 26, 2003
T.C./Art Uni : To Be Assigned
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Attorney Docket No. : 82001-0397
Customer Number : 24633

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 20313-1450

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.47(a)

Sir:

In support of a Petition Under 37 C.F.R. 1.47(a) for the above-referenced patent application, I, David D. Nelson, declare that I am a registered Patent Attorney, Registration No. 47,818, that I represent Manugistics, Inc. [the “Applicant”] in connection with the preparation and prosecution of the present patent application, and that I am authorized to make the following statements:

(1) The Applicant is a corporation of the state of Delaware and principally located at 9715 Key West Avenue, Rockville, MD 20850.

(2) Mr. Dean Weldon Boyd and Mr. Thomas Edward Guardino were employees of Talus, Inc., which was whole acquired by Applicant in 2000. During their employment period, Mr. Boyd and Mr. Guardino, as part of their employment duties, participated in the development of the invention disclosed of the present patent application. Under the terms of their employment, Mr. Boyd and Mr. Guardino were required to assign the invention to the Applicant and to cooperate in any efforts related to patenting the invention.

(3) Mr. Prashandt Narayan Balepur was an employees of Talus, Inc and is a current employee of Applicant. Mr. Balepur, as part of his employment duties, participated in the

development of the invention disclosed of the present patent application. Under the terms of his employment, Mr. Balepur is required to assign the invention to the Applicant and to cooperate in any efforts related to patenting the invention.

(4) According to Applicant's personnel records, the last known correspondence address for Mr. Boyd is:

36245 Wagner Lane
Cottage Grove, Oregon 97424.

(5) According to Applicant's personnel records, the last known correspondence address for Mr. Guardino is:

1033 Forrester Way
Eugene, Oregon 97401

(6) According to the Applicant's personnel records, the current correspondence address for Mr. Balepur is:

1606 Paloa Ranch Circle
San Jose, California 95133

(7) On July 29, 2004, I sent to Mr. Boyd at his last known address a copy of the present application as filed, a declaration in accordance with 37 CFR §1.63, and instructions for Mr. Boyd to review the application and execute the declaration. A copy of this letter is appended in Attachment 1. On or about August 3, 2004, I received notice from FedEx Delivery Services that this letter had been delivered.

(8) On July 29, 2004, I sent to Mr. Guardino at his last known address a copy of the present application as filed, a declaration in accordance with 37 CFR §1.63, and instructions for Mr. Guardino to review the application and execute the declaration. A copy of this letter is

appended in Attachment 1. On or about August 3, 2004, I received notice from FedEx Delivery Services that this letter had been delivered.

(9) On August 25, 2004, I sent to Mr. Balepur at his last known address a copy of the present application as filed, a declaration in accordance with 37 CFR §1.63, and instructions for Mr. Balepur to review the application and execute the declaration. A copy of this letter is appended in Attachment 1. On or about August 30, 2004, I received notice from FedEx Delivery Services that this letter had been delivered

(10) I have attempted to contact Mr.. Boyd, Mr. Guardino, and Mr. Balepur by telephone and e-mail on several occasions in the last four months. Mr.. Boyd orally indicated that he is unwilling to execute the declaration. I have been unable to reach Mr. Guardino. And, Mr. Balepur, despite numerous promises to execute declaration, has not done so.

(11) I have received no other response or correspondence from Mr.. Boyd, Mr. Guardino, or Mr. Balepur. I make this Declaration to prevent abandonment of the subject patent application as Mr.. Boyd, Mr. Guardino, and Mr. Balepur are required to execute the Declaration but has not yet done so.

Application No. 10/721,743

Declaration In Support Of Petition Under 37 C.F.R. §1.47(A) dated September 27, 2004

In reply to Notice of Missing Parts mailed February 26, 2004

I further declare that all statements made herein of my own knowledge are true; that all statements made on information and belief are believed to be true; that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001; and that such willful false statements may jeopardize the validity of the application or document or any resulting registration resulting therefrom.

Respectfully submitted,

By:



David D. Nelson

Registration No. 47,818

Dated: September 27, 2004

Hogan & Hartson, L.L.P.
555 Thirteenth St., N.W.
Washington, DC 20004
Telephone: 202-637-6807
Facsimile: 202-637-5910
Customer No. 24633

HOGAN & HARTSON

L.L.P.

CELINE JIMENEZ CROWSON
PARTNER
(202) 637-5703
CJCROWSON@HHLAW.COM

August 25, 2004

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910
WWW.HHLAW.COM

VIA FEDERAL EXPRESS

Prashant N. Balepur
1606 Pala Ranch Circle
San Jose, California 95133

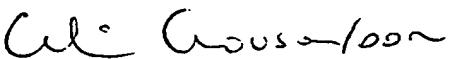
Re: **U.S. Patent Application No. 10/721,743**
Title: **CONFIGURABLE PRICING OPTIMIZATION**
SYSTEM
Inventors: **BOYD, Dean W. et al.**
Applicant: **Manugistics, Inc.**
Our Ref.: 82001-0397

Dear Mr. Balepur:

Further to previous correspondences from Manugistics, enclosed please find another copy of the application as filed, along with a Declaration and an Assignment for your execution. Upon execution, please return the Declaration and Assignment to us for filing in the U.S. Patent and Trademark Office as soon as possible.

If you have any questions, please do not hesitate to contact us.

Sincerely,


Celine Jimenez Crowson

CJC/DDN/ksh
Enclosures

cc: Mark Goldstone (w/o enclosures)



FedEx
Tracking
Number

8488 4935 1465

From Please print and press hard.
Date 8-25-2004 Sender's FedEx
Account Number 0200-0273-5
Sender's Name Celine J. Crowson Phone (202) 637-5826
Company HOGAN & HARTSON LLP

Address 555 13TH ST NW STE 800W Dept./Floor/Suite/Room

City WASHINGTON State DC ZIP 20004-1109

Your Internal Billing Reference: OPTIONAL

To Prashant N. Balepur Phone ()
Recipient's Name

Company 16016 Pala Ranch Circle Dept./Floor/Suite/Room
Recipient's Address 16016 Pala Ranch Circle
We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address San Jose State CA ZIP 95133
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0285080863

SPH38

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0215

4a Express Package Service

FedEx Priority Overnight FedEx Standard Overnight FedEx First Overnight
Next business morning" "To most locations
Earliest next business morning delivery to select locations"

FedEx 2Day FedEx Express Saver
Second business day" "Third business day"
FedEx Envelope rate not available. Minimum charge: One-pound rate

Packages up to 150 lbs.

To most locations

4b Express Freight Service

FedEx 1Day Freight* FedEx 2Day Freight FedEx 3Day Freight
Next business day" "Second business day" "Third business day"

Packages over 150 lbs.

To most locations

5 Packaging

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak

Declared value limit \$500

6 Special Handling

SATURDAY Delivery HOLD Weekday at FedEx Location HOLD Saturday at FedEx Location
Available ONLY for FedEx Priority Overnight, FedEx 2Day, FedEx 1Day Freight, and FedEx 2Day Freight to select ZIP codes

Includes FedEx address in Section 2.

To most locations

Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations

Does this shipment contain dangerous goods?

One box must be checked.
 No Yes As per attached Yes Dry Ice Dry Ice & UN 1845 Cargo Aircraft Only
Shipper's Declaration not required

Dangerous goods (including Dry Ice) cannot be shipped in FedEx packaging.

7 Payment: Bill to: Sender Recipient Third Party Credit Card Cash/Check
Acct. No. in Section 2 will be used.

FedEx Acct. No. Credit Card No. Exp. Date
Acct. No. in Section 2 will be used.

Total Packages Total Weight Total Declared Value†
 \$.00

†Our liability is limited to \$100 unless you declare a higher value. See back for details.

8 Sign to Authorize Delivery Without a Signature

Karen S. Hines

By signing you authorize us to deliver this shipment without obtaining a signature
and agree to indemnify and hold us harmless from any resulting claims.

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Tracking number	848849351465	Delivery location	SAN JOSE, CA
Signed for by	Signature release on file	Delivered to	Residence
Ship date	Aug 25, 2004	Service type	Standard Pak
Delivery date	Aug 26, 2004 10:56 AM	Weight	1.0 lbs.

Status	Delivered
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Date/Time	Activity	Location	Details	Wrong Address?
Aug 26, 2004	Delivered	SAN JOSE, CA	Left at front door. No signature required - release waiver on file	Reduce future mistal FedEx Address Che
	8:48 AM	On FedEx vehicle for delivery	SAN JOSE, CA	
	8:19 AM	At local FedEx facility	SAN JOSE, CA	
	5:05 AM	In transit	MEMPHIS, TN	Departed location
	1:01 AM	In transit	MEMPHIS, TN	Departed location
	12:05 AM	In transit	MEMPHIS, TN	
Aug 25, 2004	10:35 PM	Package data transmitted to FedEx		
	9:01 PM	Left origin	WASHINGTON, DC	
	6:05 PM	Picked up	WASHINGTON, DC	

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Add a message to this email.

From

To

HOGAN & HARTSON
L.L.P.

CELINE JIMENEZ CROWSON
PARTNER
(202) 637-5703
CJCROWSON@HHLAW.COM

July 29, 2004

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910
WWW.HHLAW.COM

VIA FEDERAL EXPRESS

Mr. Thomas Guardino
1033 Forrester Way
Eugene, OR 97401

Re: U.S. Patent Application No. 10/721,743
Title: CONFIGURABLE PRICING OPTIMIZATION
SYSTEM
Inventors: BOYD, Dean W. et al.
Applicant: Manugistics, Inc.
Our Ref.: 82001-0397

Dear Mr. Guardino:

Further to the letter from Manugistics dated April 8, 2004, enclosed please find another copy of the application as filed, along with a Declaration and an Assignment for your execution. Upon execution, please return the Declaration and Assignment to us as soon as possible for filing in the U.S. Patent and Trademark Office.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Celine Jimenez Crowson
Celine Jimenez Crowson

CJC/DDN/ksh
Enclosures

cc: Cathy Walls, (w/o enclosures)



FedEx
Tracking
Number

8371 7839 2362

From Please print and press hard.
Date 07/29/04 Sender's FedEx Account Number 0200-0273-5

Sender's Name Celine J. Crowson Phone (202) 637-5826

Company HOGAN & HARTSON LLP

Address 555 13TH ST NW STE 800E Dept/Floor/Suite/Room
City WASHINGTON State DC ZIP 20004

Four Internal Billing Reference 82001-0397 OPTIONAL

To Recipient's Name Mr. Thomas Guardino Phone ()

Company
Address 1033 Forrester Way

0 "HOLD" at FedEx location, print FedEx address.
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Address
City Eugene State OR ZIP 97401 Dept/Floor/Suite/Room

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4a Express Package Service

FedEx Priority Overnight FedEx Standard Overnight FedEx First Overnight
Next business morning Next business afternoon Earliest next business morning
 FedEx 2Day FedEx Express Saver FedEx 3Day Freight
Second business day Third business day Third business day
FedEx Envelope rate not available. Minimum charge: One-pound rate.

4b Express Freight Service

FedEx 1Day Freight* FedEx 2Day Freight FedEx 3Day Freight
Next business day Second business day Third business day
*Call for confirmation.

5 Packaging

FedEx Envelope* FedEx Pak* *Declared value limit \$200
 FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak Other

6 Special Handling

SATURDAY Delivery HOLD Weekday HOLD Saturday
Available ONLY for at FedEx Location at FedEx Location
 FedEx Priority Overnight and FedEx 2Day to select ZIP codes Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations
 FedEx 2Day to select ZIP codes

Does this shipment contain dangerous goods?
 No Yes As per attached Yes Dry Ice
Shipper's Declaration not required Dry Ice Dry Ice, 48, UN 1845 x kg
Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging. Cargo Aircraft Only

7 Payment Bill to:

Sender Recipient Third Party Credit Card Cash/Check
Enter FedEx Acct. No. or Credit Card No. below.
Acct. No. in Section 1 will be billed.

FedEx Acct. No. Exp. Date
Credit Card No.

Total Packages	Total Weight	Total Declared Value
1		\$.00

1Our liability is limited to \$100 unless you declare a higher value. See back for details.

8 Release Signature

Sign to authorize delivery without obtaining signature.
Barry S. Nunes

By signing you authorize us to deliver this shipment without obtaining a signature
and agree to indemnify and hold us harmless from any resulting claims.

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Tracking number 837178392362
 Signed for by C. CROWSON
 Ship date Jul 29, 2004
 Delivery date/time Jul 30, 2004 2:14 pm

Reference number 82001-0397
 Delivery location EUGENE OR
 Service type Standard Pak

Date/Time Jul 30, 2004
 Status 2:14 pm Delivered

Location EUGENE OR
 Comments

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FedEx
Tracking
Number

8371 7839 2351

TOM Please print and press hard.

Date 07/29/04 Sender's FedEx Account Number 0200-0273-5

Sender's Name Celine J. Crowson Phone (202) 637-5826

Company HOGAN & HARTSON LLP

Address 555 13TH ST NW STE 800E Dept/Floor/Suite/Room

City WASHINGTON State DC ZIP 20004

Our Internal Billing Reference OPTIONAL

82001-0397

First 24 characters will appear on invoice.

To recipient's Name Mr. Dean W. Boyd Phone ()

Company _____

Address 36245 Wagner Lane

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address _____ Dept/Floor/Suite/Room

City Cottage Grove State OR ZIP 97424

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Delivery commitment may be later in some areas.
FedEx First Overnight
Earliest next business morning, delivery to select locations

4a Express Package Service

FedEx Priority Overnight FedEx Standard Overnight FedEx First Overnight
Next business morning Next business afternoon Earliest next business morning, delivery to select locations
 FedEx 2Day FedEx Express Saver
Second business day Third business day FedEx Envelope rate not available. Minimum charge: One-pound rate

4b Express Freight Service

FedEx 1Day Freight* FedEx 2Day Freight FedEx 3Day Freight
Next business day Second business day Third business day

* Call for Confirmation.

Packages over 150 lbs.

Delivery commitment may be later in some areas.

5 Packaging

FedEx Envelope* FedEx Pak*
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Shurdy Pak

* Declared value limit \$500

6 Special Handling

SATURDAY Delivery HOLD Saturday
 Available ONLY for at FedEx Location at FedEx Location
FedEx Priority Overnight and Available ONLY for FedEx Priority Overnight and
FedEx 2Day to select ZIP codes FedEx First Overnight and
FedEx 3Day to select locations

Does this shipment contain dangerous goods?

No Yes One box must be checked.
 As per attached Yes Shipper's Declaration
Shipper's Declaration not required

Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging.

Include FedEx address in Section 3.

HOLD Saturday

at FedEx Location

Available ONLY for

FedEx Priority Overnight and

FedEx 2Day to select locations

Dry Ice Cargo Aircraft Only
Dry Ice & UN 1845 Cargo Aircraft Only

Credit Card Cash/Check

Sender Recipient Third Party Credit Card Cash/Check

FedEx Acct. No.
Credit Card No.

Expo.
Date

Total Packages Total Weight Total Declared Value*

\$.00

FedEx Use Only

1 Our liability is limited to \$100 unless you declare a higher value. See back for details.

8 Release Signature Sign to authorize delivery without obtaining signature.

Baum J. Nunes

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

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L.L.P.

CELINE JIMENEZ CROWSON
PARTNER
(202) 637-5703
CJCROWSON@HHLAW.COM

July 29, 2004

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910
WWW.HHLAW.COM

VIA FEDERAL EXPRESS

Mr. Dean W. Boyd
36245 Wagner Lane
Cottage Grove, Oregon 97424

Re: U.S. Patent Application No. 10/721,743
Title: CONFIGURABLE PRICING OPTIMIZATION
SYSTEM
Inventors: BOYD, Dean W. et al.
Applicant: Manugistics, Inc.
Our Ref.: 82001-0397

Dear Mr. Boyd:

Further to previous correspondences from Manugistics, enclosed please find another copy of the application as filed, along with a Declaration and an Assignment for your execution. Upon execution, please return the Declaration and Assignment to us for filing in the U.S. Patent and Trademark Office as soon as possible. If you prefer that we direct all future correspondence to your attorney, please forward to us his/her contact information.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Celine Jimenez Crowson
Celine Jimenez Crowson

CJC/DDN/ksh
Enclosures

cc: Cathy Walls, (w/o enclosures)

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Tracking number	837178392351	Reference	82001-0397
Signed for by	Signature release on file	Delivery location	COTTAGE GROVE, OR
Ship date	Jul 29, 2004	Delivered to	Residence
Delivery date	Jul 30, 2004 2:56 PM	Service type	Standard Pak
		Weight	1.0 lbs.

You can also track:

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Status	Delivered
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Date/Time	Activity	Location	Details
Jul 30, 2004	2:56 PM Delivered	COTTAGE GROVE, OR	Left at front door. No signature required - release waiver on file
	8:55 AM On FedEx vehicle for delivery	SPRINGFIELD, OR	
	6:50 AM At dest sort facility	PORLAND, OR	
Jul 29, 2004	12:37 AM In transit	MEMPHIS, TN	
	11:30 PM In transit	MEMPHIS, TN	Departed location
	11:06 PM Package data transmitted to FedEx		
	9:02 PM Left origin	WASHINGTON, DC	
	5:52 PM Picked up	WASHINGTON, DC	

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